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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 OAKLAND DIVISION

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20 ORACLE USA, INC., *et al.*,

No. 07-CV-01658 PJH (EDL)

21 Plaintiffs,

**DECLARATION OF THOMAS S.  
HIXSON IN SUPPORT OF  
ORACLE'S SUPPLEMENTAL  
BRIEF IN SUPPORT OF ITS  
MOTION TO COMPEL FURTHER  
RESPONSES TO REQUESTS FOR  
ADMISSIONS**

v.

22 SAP AG, *et al.*,

Defendants.

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24 Judge: Hon. Elizabeth D. Laporte

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DECLARATION OF THOMAS S. HIXSON IN SUPPORT OF ORACLE'S SUPPLEMENTAL BRIEF IN  
SUPPORT ITS MOTION TO COMPEL

1 I, Thomas S. Hixson, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California and  
3 before this Court, and am a partner at Bingham McCutchen LLP, counsel of record for Plaintiffs  
4 Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems,  
5 Inc. (together, "Oracle") in this action. I have personal knowledge of the facts stated below by  
6 virtue of my representation of Oracle in this action, and, if called as a witness, could competently  
7 testify as to them.

8 2. Attached as Exhibit A are true and correct copies of portions of  
9 Defendants' Third Amended Response to Requests 13 Through 50 of Plaintiffs' Third Set of  
10 Requests for Admission to Defendants TomorrowNow, Inc., SAP AG, and SAP America, Inc.,  
11 dated February 15, 2010.

12 3. Attached as Exhibit B are true and correct copies of portions of  
13 Defendants' Amended Response to Requests 4 Through 63 and 130 Through 162 of Plaintiffs'  
14 Fifth Set of Requests for Admission to Defendants TomorrowNow, Inc., SAP AG and SAP  
15 America, Inc., dated February 15, 2010.

16 4. Attached as Exhibit C are true and correct copies of portions of  
17 Defendants' Fourth Amended Responses to Requests 496 Through 680 of Plaintiffs' Second Set  
18 of Requests for Admission to Defendants TomorrowNow, Inc., SAP AG, and SAP America, Inc.

19 5. Attached as Exhibit D are true and correct copies of portions of the  
20 transcript of the April 10, 2009 deposition of Patti Von Feldt.

21 I declare under penalty of perjury under the laws of the State of California and the  
22 United States that the foregoing is true and correct and that this Declaration was signed on March  
23 5, 2010 in San Francisco, California.

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/s/ Thomas S. Hixson

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Thomas S. Hixson

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